

REMARKS

Claims 21 and 22 are pending in the present application.

Claim 21 has been amended to address the Examiner's objection to the language specifying that an element of the claim, namely a forwarder, was "configured to" perform two tasks: terminate and originate. As amended, the element is "for" performing the two tasks. It is submitted that the amendments limit the claim by necessitating that the element exist for the performance of the tasks.

Claim 22 has been amended to address the Examiner's objection to the language specifying that a first forwarder is "configured to" perform a task and a second forwarder is "configured to" perform a task. As amended, the first element is "for" performing the associated task and the second element is "for" performing the associated task. It is submitted that the amendments limit the claim by necessitating that the elements exist for the performance of the tasks.

The Examiner has indicated that claims 21 and 22, as presented, were not limited by the "configured to" phrase and, accordingly, could be rejected as anticipated by any prior art not explicitly prohibiting the performance of the function.

The Examiner has rejected claims 21 and 22 under 35 U.S.C. §102(e) as anticipated by US Patent Application No. 2004/0037279 to *Zelig et al.* (hereinafter "*Zelig*").

As claims 21 and 22 are, according to the amendments, specific about the performance of various functions, it is submitted that the art cited by the Examiner, which art does not explicitly prohibit the performance of the functions, no longer inherently anticipates the limitations.

In particular, it is submitted that the pseudo wires discussed in *Zelig* are point-to-point and "full mesh" (see paragraphs [0017], [0049], [0050], [0064]) and that multihop pseudo wires are not considered.

The Examiner has also rejected claims 21 and 22 under 35 U.S.C. §102(b) as anticipated by US Patent 5,473,599 to *Li, et al.* (hereinafter "*Li*").

The cited passages of *Li* read:

It should also be recognized that the protocol of this invention can in some circumstances be used to emulate virtual bridges (as opposed to virtual routers). For example, SRB ("source routing bridging") is a protocol allowing for multiple bridges operating in parallel.

and

The present invention provides a system and protocol for routing data packets from a host on a LAN through a virtual router. The host is configured so that the packets it sends to destinations outside of its LAN are always addressed to the virtual router. The virtual router may be any physical router elected from among a "standby group" of routers connected to the LAN. The router from the standby group that is currently emulating the virtual router is referred to as the "active" router. Thus, packets addressed to the virtual router are handled by the active router. A "standby" router, also from the group of routers, backs up the active router so that if the active router becomes inoperative, the standby router automatically begins emulating the virtual router. This allows the host to always direct data packets to an operational router without monitoring the routers of the network.

Since, it is submitted, neither *Zelig* nor *Li* disclose or suggest terminating a first segment of a multihop pseudo-wire and neither *Zelig* nor *Li* disclose or suggest originating a second segment of a multihop pseudo-wire as required by both claims 21 and 22, then neither *Zelig* nor *Li* can anticipate an

intermediate node in a multihop pseudo-wire having the functional limitations recited in claims 21 and 22. It is respectfully requested that the Examiner remove the rejection of claims 21 and 22 on those bases.

With regard to the statutory nature of the subject matter of the claims, it is submitted that claims to a "node" comprising at least one "forwarder" are more than merely "software per se".

It is submitted that no new matter has been added by way of these amendments.

In view of the foregoing, the applicant respectfully submits that claims 21-22 are in condition for allowance. Favourable consideration and allowance of claims 21 and 22 are respectfully requested.

Respectfully Submitted,

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